GOVERNMENT OF INDIA
PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:3455
ANSWERED ON:24.08.2011
LEGISLATION FOR PREVENTION OF BRIBERY
Rane Dr. Nilesh Narayan

Will the Minister of PERSONNEL,PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) whether the Government has proposed to bring a legislation for the prevention of bribery of Foreign Public Officials and the Officials of Public International Organisation;

(b) if so, the details thereof alongwith its salient features; and

(c) the manner by which the proposed bill would tackle corruption and the problem of black money?

Answer

MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a): A Bill titled "The Prevention of Bribery of Foreign Public Officials and Officials of Public International Organizations Bill, 2011' has already been introduced in the Parliament on 25th March 2011. The Bill has been referred to the Parliamentary Standing Committee attached to the Ministry of Personnel, Public Grievances and Pensions for consideration and report.

(b) & (c) : A statement is attached.

Statement referred to in part (b)&(c) of the Answer to USQ no 3455 by Dr. Nilesh N. Rane, MP for Answer on 24.8.2011

(b) The Prevention of Bribery of Foreign Public Officials and Officials of Public International Organizations Bill, 20l1 seeks to prevent corruption relating to bribery of foreign public officials and officials of public international organizations and for matters connected therewith or incidental thereto. The proposed legislation, inter alia, -

i. prohibits giving gratification to foreign public official or official of public international organization and making such act punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine;

ii. prohibits accepting gratification by foreign public official or official of public international organization and making such act punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine;

iii. makes abetment and attempts of the acts specified at
(i) and
(ii) above also punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and shall also be liable to fine;

iv. confers power upon the Central Government to enter into agreements with foreign countries enforcing the provisions of proposed legislation;

v. makes provision declaring the offences under the proposed legislation as extraditable offences;

vi. makes provision for reciprocal arrangements for processes and assistance for transfer of accused persons;

vii. makes provision for attachment, seizure and confiscation, etc., of property in a contracting State or India.

(c) The main objective of the Bill is to create an enabling legislation in the domestic laws to meet the obligations under Article 16 of the United Nations Convention Against Corruption. Article 16 (1) of the United Nations Convention Against Corruption is a mandatory provision and requires criminalization of the act of giving (supply side of bribery) undue advantage to foreign public official /official of public international organization during the course of international business. Clause 4 of the "The Prevention of Bribery of Foreign Public Officials and Officials of Public International Organizations Bill, 2011' seeks to achieve this by declaring the act of giving undue advantage to foreign public official /official of public international organization, a criminal offence, and provides for punishment in the form of imprisonment of a period of 6 months to 7 years and fine for the offence.